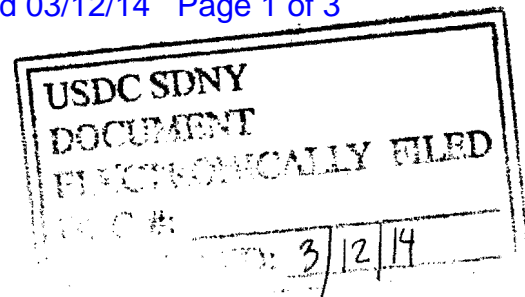


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



In Re: Methhyl Tertiary Butyl Ether  
("MTBE") Products Liability Litigation

Master File No. 1:00-1898  
MDL 1358 (SAS)  
M21-88

**This Document Relates To:**

*City of Fresno v. Chevron U.S.A., et al.,  
Case No. 04 Civ. 4973 (SAS)*

**[PROPOSED] ORDER OF DISMISSAL WITH PREJUDICE OF ALL CLAIMS  
AGAINST DEFENDANT KERN OIL & REFINING CO.**

On August 16, 2012, after the conclusion of all discovery related to this matter, the Court ordered Plaintiff City of Fresno ("Plaintiff") to identify all sites at which Plaintiff intended to pursue claims at trial and the Defendants against which it would assert those claims for each site.

On October 5, 2012, pursuant to the Court's Order, Plaintiff served a revised station matrix. The Court adopted Plaintiff's revised station matrix in Case Management Order 108, limiting Plaintiff's claims at trial to the sites and Defendants listed in Section A of the matrix. All other sites were dismissed with prejudice.

On March 15, 2013, certain Defendants in this matter, including Kern Oil & Refining Co. ("Kern") filed a Motion for Summary Judgment for Lack of Evidence Pertaining to Causation.

On September 10, 2013, the Court granted the Defendants' Motion.

As a result of the Court's decision, Plaintiff has no remaining claims against Kern in this matter.

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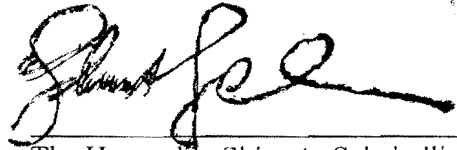
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**IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that all claims of Plaintiff City of Fresno against Kern for all stations at issue are hereby DISMISSED WITH PREJUDICE.

**IT IS SO ORDERED:**

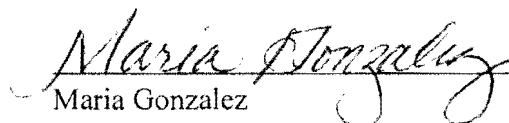
Dated: March 12, 2014

A handwritten signature in black ink, appearing to read 'Shira A. Scheindlin', written over a horizontal line.

The Honorable Shira A. Scheindlin  
UNITED STATES DISTRICT  
JUDGE

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of Defendant Kern Oil & Refining Co.'s [Proposed] Order of Dismissal with Prejudice of All Claims Against Defendant Kern Oil & Refining Co. was served upon counsel via File & ServeExpress on this 7<sup>th</sup> Day of March, 2014.

  
Maria Gonzalez